

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION

IN RE

PASQUALE JOSHUA DEGIORGIO
DEBTOR

CHAPTER 13

CASE NO. 21-35089

CHIEF JUDGE: Cecelia G. Morris

OBJECTION TO CONFIRMATION

Michael J. Chatwin, Esq., an attorney admitted to practice in this Court, affirms the following under penalty of perjury:

1. I am an associate with LOGS Legal Group LLP, attorney for Nationstar Mortgage LLC d/b/a Mr. Cooper as Servicer for Deutsche Bank National Trust Company as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-MLN1, (“Secured Creditor”) and am familiar with the facts and circumstances surrounding this matter.

2. Secured Creditor holds a mortgage on the Debtor’s real property known as 46 Malloy Rd, Wallkill, NY 12589 (the “Property”).

3. Secured Creditor will be filing a Proof of Claim for pre-petition mortgage arrears in the approximate amount of \$278,377.53. Debtor’s proposed Chapter 13 Plan does not list any arrears and makes no provision for full payment of the mortgage arrears in violation of Bankruptcy Code Section 1325(a)(5)(B)(ii).

4. The Debtor’s proposed Plan is woefully underfunded to pay Secured Creditor’s pre-petition arrears. Upon review of Debtor’s Schedules I and J, there appears to be no possible way for Debtor to present a feasible plan that would address Secured Creditor’s arrears and other plan obligations.

WHEREFORE, the undersigned respectfully requests an Order of this Court denying confirmation of Chapter 13 Plan pursuant to Bankruptcy Code Section 1325 and such other and further relief as may be just and proper.

Dated: April 5, 2021

/s/ Michael J. Chatwin

Michael J. Chatwin
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CERTIFICATE OF SERVICE

The undersigned certifies that on April 6, 2021, a copy of Objection to Confirmation was caused to be mailed by ordinary U.S. Mail, postage prepaid, and/or electronically upon the following:

Debtor
Pasquale Joshua Degiorgio
46 Malloy Road
Wallkill, NY 12589

Attorney for Debtor
Julius A. Rivera, Jr.
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Trustee
Krista M. Preuss
Chapter 13 Standing Trustee
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Dated: April 5, 2021

/s/ Michael J. Chatwin
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